

IT IS SO ORDERED.

s/Pamela A. Barker
PAMELA A. BARKER,
U.S. DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JOHN NOAKES,

Plaintiff,

v.

CASE WESTERN RESERVE UNIVERSITY,

Defendant.

) Case No. 1:21-cv-01776

) The Honorable Judge Pamela A. Barker

) **DEFENDANT CASE WESTERN**
) **RESERVE UNIVERSITY'S**
) **UNOPPOSED MOTION FOR LEAVE**
) **TO FILE ANSWER TO PLAINTIFF'S**
) **AMENDED COMPLAINT**
) **INSTANTER**

Defendant Case Western Reserve University (“CWRU” or “Defendant” or the “University”), by and through the undersigned counsel, respectfully moves this Court for leave to file its Answer to Plaintiff’s Amended Complaint *instante* (a copy of Defendant’s proposed answer is attached as Exhibit A). Prior to filing this Motion, the undersigned counsel discussed this Motion with Plaintiff’s counsel, and Plaintiff does not object to this Motion.

It is well-established in the Sixth Circuit that there is a “strong preference for trials on the merits in federal courts.” *See, e.g., Shepard Claims Service v. William Darrah & Associates*, 796 F.2d 190, 193 (1986). Rule 6(b) of the Federal Rules of Civil Procedure permits an enlargement of time allowed for filing an answer upon showing of excusable neglect if the request for an extension comes after the expiration of the specified time period. Fed.R.Civ.P. 6(b). The U.S. Supreme Court ruled that a court is “permitted, where appropriate, to accept late filings caused by inadvertence, mistakes, or carelessness,” even when an adequate excuse is not tendered. *Pioneer Inv. Services Co. v. Brunswick Assoc. Ltd. Partnership*, 507 U.S. 380 (1993). Courts freely grant leave to file answers. *See, e.g., Tolliver v. Liberty Mutual Fire Ins. Co.*, S.D. Ohio No. 2:06-cv-00904, 2008 WL 545018, *1 (S.D. Ohio Feb. 25, 2008) (granting defendant leave to file an answer